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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/760,099	01/11/2001	Friedemann Ulmer	20990041US	1689

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EXAMINER

GOLD, AVI M

ART UNIT PAPER NUMBER

2157

DATE MAILED: 06/16/2004

9.

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/760,099

Applicant(s)

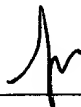
ULMER ET AL.

Examiner

Avi Gold

Art Unit

2157



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 January 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 June 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>5.8</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This action is responsive to the application filed January 11, 2001. Claims 1-16 are pending. Claims 1-16 represent a system, method, and computer program product for providing a remote support service.

Drawings

1. New corrected drawings are required in this application because figures 1, 2, 3, 5, 11, 14, and 15 have text that is illegible. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 8, 10, and 13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

4. Claims 8 and 10 recite the limitation "the database component" in line 1. There is insufficient antecedent basis for this limitation in these claims.

5. Claim 13 recites the limitation "the collection strategy or schedule" in line 1.

There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1-9, 11, and 14-16 are rejected under 35 U.S.C. 102(e) as being anticipated by Anderson et al., U.S. Patent No. 6,633,905.

Anderson teaches the invention as claimed including hardware and software for coordinating video, keyboard, and mouse information transfers and control to/from a remote PC and one or more host PCs (see abstract).

Regarding claim 1, a system for providing a remote support service between at least one support-service provider's site and a customer's site having a customer's information technological (IT) infrastructure, comprising:

an information collecting component which collects information about the customer's IT infrastructure (col. 2, lines 15-24; Anderson discloses KEY-VIEW II intercepting all critical input and output functions of a PC);

a storage component which stores collected information according to a data model modeling at least part of the customer's IT infrastructure (col. 3, lines 56-67; col. 4, lines 1-5; Anderson discloses capturing output of a Host PC);

an information-transferring component capable of transferring at least part of the collected or stored information or a representation of it to the support-service provider (col. 2, lines 25-39; Anderson discloses a remote user viewing view output display of a Host PC);

an analysis component which analyzes the stored or transferred information or representation as a basis for the provision of the remote support services (col. 3, lines 56-67; col. 4, lines 1-5; Anderson discloses conversion of the analog video).

Regarding claim 2, the system of claim 1, wherein the storage component is located at least at one of the customer's site and the support-service provider's site (col. 3, lines 56-67; col. 4, lines 1-5).

Regarding claim 3, the system of claim 1, wherein the storage component is located at least at one of the customer's site and the support-service provider's site (col. 2, lines 25-39; Anderson discloses conversion at KEY-VIEW II of Host PC).

Regarding claim 4, the system of claim 1, further comprising a consolidator component which is capable of generating a consolidated representation of the collected or stored information, said consolidator component is located at least at one of the customer's site and the support-service provider's site (col. 3, lines 56-67; col. 4, lines 1-5; Anderson discloses a display of Host PC's screen of KEY-VIEW PC's screen).

Regarding claim 5, the system of claim 1, wherein the customers IT infrastructure comprises at least one of the following elements: network infrastructure elements, storage systems, hardware elements and peripherals, operating systems, networking software, database software, middleware and utilities, software applications; and wherein the information collecting component collects information about at least one of these elements and the data model models at least part of these elements and their inter-relations (col. 2, lines 15-24; Anderson discloses a keyboard and mouse input signals collected).

Regarding claim 6, the system of claim 1, further comprising a discovery component capable of automatically discovering changes in the customer's IT infrastructure, and wherein the data model is automatically adapted so that it models the changed IT infrastructure (col. 25, lines 25-39; Anderson discloses viewing a virtually real-time basis of the video output display).

Regarding claim 7, the system of claim 6, wherein, due to the automatic discovering capability of the discovery component, after an installation of a program code representing the software parts of the information collecting component, the storage component and the information-transferring component at the customer's site, the system automatically discovers at least part of the customer's IT infrastructure and automatically generates a data model which models it (col. 2, lines 25-39; col. 3, lines 28-37; Anderson discloses remote maintenance of PCs).

Regarding claim 8, the system of claim 1, wherein, in the database component, the elements of the customer's IT infrastructure are mapped to classes, and wherein new classes can dynamically be added, and wherein the classes have flexible attributes which can be dynamically added and changed (col. 4, lines 36-62; Anderson discloses alerts based on different elements of the network).

Regarding claim 9, the system of claim 1, wherein the information-transferring component is capable of transferring the collected or stored information or a representation of it via an information network, particularly the Internet, to the support-service provider, or by means of a data carrier (col. 1, lines 58-67; Anderson discloses the Internet used to remotely access a KEY-VIEW PC).

Regarding claim 11, the system of claim 1, wherein the analysis component monitors or analyzes at least one of configuration, configuration changes, performance and performance changes of the customer's IT infrastructure (col. 2, lines 25-39).

Claims 14-16 do not teach or define any new limitations above claim 1 and therefore are rejected for similar reasons.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 10, 12, and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson further in view of Rochford et al., U.S. Patent No. 6,654,803.

Anderson teaches the invention substantially as claimed including hardware and software for coordinating video, keyboard, and mouse information transfers and control to/from a remote PC and one or more host PCs (see abstract).

As to claim 10, Anderson teaches the method of claim 1.

Anderson fails to teach the limitation further including the database component storing at least one of configuration and performance history information of the customer's IT infrastructure.

However, Rochford teaches a system and method for the management of routes in telecommunications networks (see abstract). Rochford teaches the use of monitoring performance history (col. 1, lines 64-67; col. 2, lines 1-4).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Anderson in view of Rochford to store at least one of configuration and performance history information of the customer's IT infrastructure. One would be motivated to do so because it would allow for monitoring of the infrastructures efficiency.

As to claim 12, Anderson teaches the method of claim 1.

Anderson fails to teach the limitation further including a scheduler which schedules the collection of the information about the customer's IT infrastructure.

However, Rochford teaches the use of events being scheduled (col. 16, lines 56-65).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Anderson in view of Rochford to use a scheduler which schedules the collection of the information about the customer's IT infrastructure. One would be motivated to do so because it would allow the collection of information to avoid disrupting other actions on the infrastructure.

As to claim 13, Anderson teaches the method of claim 1.

Anderson fails to teach the limitation further including the collection strategy or schedule being determined individually for the customers, depending on the particular support service contract between the customer and the support-service provider.

However, Rochford teaches the use of events being scheduled (col. 16, lines 56-65).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Anderson in view of Rochford to use a collection strategy for each customer. One would be motivated to do so because it would allow the collection of information to avoid disrupting other actions on the infrastructure for each individual customer.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Pat. No. 5,987,506 to Carter et al.

U.S. Pat. No. 6,243,738 to Hayles et al.

U.S. Pat. No. 6,658,466 to Ellestad et al.

U.S. Pat. No. 4,356,545 to West.

U.S. Pat. No. 6,690,273 to Thomason.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Avi Gold whose telephone number is 703-305-8762. The examiner can normally be reached on M-F 8:00-5:30 (1st Friday Off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on 703-308-7562. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Avi Gold

Patent Examiner

Art Unit 2157

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